

Chapter 143 of the Acts of 1949

An Act Establishing in the Town of Framingham Representative Town Government by Limited Town Meetings

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Framingham the form of representative town government by limited town meetings hereinafter set forth.

SECTION 2. The selectmen shall forthwith divide the territory of the town into voting precincts, each of which shall be plainly designated and shall contain approximately an equal number of inhabitants. The precincts shall be so established as to consist of compact and contiguous territory to be bounded, as far as possible, by the center line of known streets and ways or by other well-defined limits. The boundaries shall be reviewed and, if need be, wholly or partly revised by the selectmen in May of the year following the federal census, or in May of any year when so directed by a vote of a representative town meeting held not later than the end of April of that year. The selectmen shall, within ten days after any establishment or revision of the precincts, file a report of their doings with the town clerk, the registrars of voters and the assessors, with a map or maps or description of the precincts and the names and residences of the registered voters therein. The selectmen shall also cause to be posted in the Memorial Building a map or maps or description of the precincts as established or revised from time to time, or cause the same to be published in a newspaper published in the town. The division of the town into voting precincts and any revision of such precincts shall take effect upon the date of the filing of the report thereof by the selectmen with the town clerk. Whenever the precincts are established or revised, the town clerk shall forthwith give written notice thereof to the state secretary, stating the number and designation of precincts. Meetings of the registered voters of the several precincts for elections or primaries and for voting on any question to be submitted to all the registered voters of the town shall be held simultaneously and at such place or places within the town as the selectmen shall in the warrant for such meeting direct. The provisions of the general laws relating to precinct voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections and primaries in the town upon the establishment of voting precincts as above provided.

SECTION 3. The membership of the representative town meeting elected in each precinct shall consist of twelve registered voters other than persons elected or appointed to some other town office, which will result in a total elected membership in the town equal to twelve times the number of voting precincts.

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The registered voters in every precinct shall, at the first annual town election held after the establishment of such precinct, and the registered voters of any precinct affected by any revision of precincts at the first annual town election following such revision, conformably to the laws relative to elections not inconsistent with this charter, elect by ballot the number of registered voters in the precinct, other than persons elected or appointed to some other town office, other than charter commission members, registrar of voters or assistant registrar of voters, provided for in the first sentence of this section, to be town meeting members of the town. In the event revisions are made to at least 2/3 of the voting precincts, registered voters in all precincts shall elect town meeting members as provided for in the first paragraph. The first third, in the order of votes received, of members so elected shall serve three years, the second third in such order shall serve two years, and the remaining third in such order shall serve one year from the day of the annual town meeting: in case of a tie vote affecting the division into thirds, as aforesaid, the members elected from the precinct shall by ballot determine the same; and thereafter, except as is otherwise provided herein, at each annual town election the registered voters of each precinct shall, in like manner, elect for the term of three years one third of the number of elected town meeting members to which such precinct is entitled, and shall at such election fill for the unexpired term or terms any vacancy or vacancies then existing in the number of elected town meeting members in such precinct. The terms of office of all elected town meeting members from every precinct revised as aforesaid shall cease upon the election as hereinbefore provided of their successors. The town clerk shall, after every election of town meeting members forthwith notify each such member by mail of his election.

SECTION 4¹. Nomination papers shall be filed with the town clerk not later than five o'clock in the afternoon of the twenty-eight day preceding the preliminary election. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed, or which purport to nominate a person elected or appointed to some other town office.

SECTION 5. A town meeting member may resign by filing a written resignation with the town clerk and such resignation shall take effect on the date of such filing. A town meeting member who removes from the town, or from the precinct in which the town meeting member was elected, or who is elected to any other town office, except charter commission member, shall cease to be a town meeting member. In the event that a vacancy occurs in the full number of town meeting members from any precinct, the town clerk shall at once choose the person who received the highest number of votes as a defeated candidate for the office of town meeting member in the preceding election in the precinct where the vacancy occurs, and shall notify him of his election as a town meeting member. If for any reason this candidate cannot accept such appointment, the next highest in recorded vote shall be appointed. In the event of a tie vote or in the event there are no available defeated candidates, the town clerk shall call together the town meeting members of the precinct where the vacancy occurs, and they shall, by majority vote of those members present, elect any registered voter of that precinct to fill such vacancy.

¹ Also see MA General Laws Chapters 31 & 53

The town clerk shall count the ballots, make a certificate of the choice, and notify the person so chosen; and, upon receipt by the town clerk of a written acceptance by the person so chosen, that person shall be deemed elected and qualified as a town meeting member, subject to the right of all the town meeting members to judge of the election and qualification of members, as provided in section six.

Section 5A. (1) A town meeting member who does not attend at least 1 per cent of the town meeting sessions for which the person is qualified during the period beginning from the first day of the year, or beginning from the time the person is qualified, and ending on the last day of the year shall be deemed to have abandoned that office as of the last day of such period. The per cent indicated above may be changed by by-law of the town.

- (2) The town clerk shall promptly notify the town meeting member whose position was declared vacant and shall inform that person that he may run again at the next annual town election in accordance with the procedures applicable to a resident seeking initial election as a town meeting member.
- (3) A town meeting member appointed by precinct members to fill a vacancy pursuant to this section shall serve until the next annual town election. At such election, whether or not the vacancy has been filled, a member shall be elected to fill the unexpired term.
- (4) When a town meeting member moves from the precinct from which the town meeting member was elected to another precinct, and a resident of the town notifies the town clerk of the move, the town clerk shall verify that the town meeting member no longer resides in the precinct and after verification shall declare the position vacant. The vacancy shall be filled in accordance with this act. Such a member may seek election as a member from the precinct to which the member has moved. The position of town meeting member from the precinct that elected the town meeting member shall be filled at the next annual town election for the remaining years in the term.
- (5) When a town meeting member moves from the town of Framingham, and a resident of the town notifies the town clerk of the move, the town clerk shall verify that the town meeting member no longer resides in the town and, after verification, declares the position vacant. The vacancy shall be filled in accordance with this act.

SECTION 6. The town clerk shall notify the town meeting members of the time and place at which town meetings are to be held, the notices to be sent by mail at least seven days before the meeting. The town meeting members, as aforesaid, shall be the judges of the election and qualifications as set forth in this act, of their members. Eighty town meeting members shall constitute a quorum for doing business, but a less number may organize temporarily and may adjourn from time to time. All town meetings shall be public. Town meeting members as such shall receive no compensation. Subject to such conditions as may be determined from time to time by the members of the representative town meeting, any registered voter of the town, although not a town meeting member,

shall have the right to speak at least once on any matter coming before any town meeting, but only elected town meeting members shall vote on such matters.

SECTION 7. It shall be the duty of the chairman of each board or committee of the town, elected or appointed, the head of each department, and the town counsel to attend throughout that part of each town meeting at which matters other than those acted upon and determined otherwise than by ballot are to be considered.

SECTION 8. The articles in the warrant for every town meeting, so far as they relate to the election of town officers and town meeting members, and, as herein provided, to referenda, and all matters to be acted upon and determined by ballot, shall be so acted upon and determined by the registered voters of the town in their respective precincts. All other articles in the warrant for any town meeting, beginning with the town meeting at which said town meeting members are first elected, shall be acted upon and determined exclusively by town meeting members at a meeting to be held at such time and place as shall be set forth by the selectmen in the warrant for the meeting, subject to the referendum provided for by section nine hereof.

SECTION 9. No vote, except a vote to adjourn or authorizing the borrowing of money in anticipation of the receipt of taxes for the current year, passed at any representative town meeting shall be operative until the expiration of five days, exclusive of Sundays and holidays, from the dissolution of the meeting. If, within said five days, a petition, signed by not less than five per cent of the registered voters in the town, containing their names and addresses as they appear on the list of registered voters, is filed with the selectmen, asking that the question or questions involved in such vote be submitted to the registered voters of the town at large, then the selectmen, after the expiration of five days, shall forthwith call a special meeting for the sole purpose of presenting to the registered voters at large the question or questions so involved. The polls shall be opened at twelve o'clock noon and shall be closed not earlier than eight o'clock in the evening, and all votes upon any question so submitted shall be taken by ballot and the check list used in the several precinct meetings in the same manner as in the election of town officers. The questions so submitted shall be determined by vote of the same proportion of voters at large voting thereon as would have been required by law of the town meeting members, had the question been finally determined at a representative town meeting. The questions so submitted shall be stated upon the ballot in substantially the same language and form in which they were stated when presented to the representative town meeting by the moderator and as appears from the records of said meeting. If such a petition is not filed within said period of five days, the vote of the representative town meeting shall become operative and effective at the expiration of said period.

SECTION 10. This act shall be submitted to the registered voters of the town of Framingham for acceptance at the biennial state election in the year nineteen hundred and fifty in the form of the following question which shall be placed upon the official ballot to be used in said town at said election: "Shall an act passed by the general court in the year nineteen hundred and forty-nine, entitled 'An Act establishing in the town of Framingham representative town government by limited town meetings', be accepted by

this town?" If a majority of the voters voting on this question shall vote in the affirmative, this act shall take effect forthwith so far as it relates to dividing the territory of the town into eight precincts as provided in section two of this act; and so far as it relates to the election of town meeting members, it shall take effect for the purposes of the town election to be held on the first Monday of March thereafter and for all things pertaining thereto.

Approved April 1, 1949.

<u>Amended by.....</u>	<u>Section Amended</u>
1952 Acts, Chapter 76	Section 2, 3
1953 Acts, Chapter 56	Section 5
1953 Acts, Chapter 609	Section 3
1969 Acts, Chapter 804 & 805	Section 3, 5
1976 Acts, Chapter 207 & 488	Section 2
1979 Acts, Chapter 34	Section 4
1991 Acts, Chapter 277	Section 5
1992 Acts, Chapter 54	Section 3, 5
2002 Acts, Chapter 338.....	Section 5A
2004 Acts, Chapter 372.....	Section 5, 5A